

## **REMARKS**

### **I. INTRODUCTION**

Claims 1, 7, 16, 20 and 21 have been amended. Claims 5, 6, 11, 17 and 18 have been canceled. Thus, claims 1-4, 7-10, 12-16 and 19-21 remain pending in the present application. No new matter has been added. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN**

Claims 1-4, 7-10, 12-16 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Puckett et al., “Cradle-to-Grave Material Management”, AACE Transactions, 1991 (hereinafter “Puckett”) in view of Berka et al., “Materials Management: A Comprehensive System”, AACE Transactions, 1994 (hereinafter “Berka”). (See 10/20/08 Non-Final Office Action, p. 9, ¶ 6).

Currently amended claim 1 recites, *inter alia*, “...receiving a selection of at least one milestone to be employed with one of the projects, *the at least one milestone originating from a milestone-type table*, wherein the milestone is *associated with a change* of at least one milestone-related material and the milestone includes an amount of milestone-related material required for the project *and at least one of a projected milestone start date and a projected milestone end date; determining an actual milestone date from the milestone-type table; calculating a material required date of milestone-related material based on the actual milestone date and at least one of the projected milestone start date and the projected milestone end date*; determining a supplier

for the material from a material table; *obtaining a lead-time for supplying the material based on a suppliers table; calculating an order date based on the material required date and the lead-time; populating a requirements table according to the calculated order date.*” (Emphasis added).

Puckett generally relates to a materials management system including infrastructure development for potentially reducing the total engineering and project management workhours on an industrial plant design/construction project. (See Puckett, Abstract, p. 1, col. 1, ¶ 1). Regarding milestones, Puckett states that a computer aided design (“CAD”) system can be programmed to track milestones as they are achieved along an item’s journey from concept to reality. (See Id., p. 1, col. 2, ¶ 4). Puckett goes on to state that a realistic field need date must be determined for each significant item to purchase it at the right time. (See Id., p. 2, col. 1, ¶ 1). Furthermore, Puckett states that an effective materials management system must facilitate the procurement process by automating procurement document production and information tracking including all dates of interest, critical milestones, and job costs for each item. (See Id., p. 2, col. 1, ¶ 2). While Puckett mentions the use and tracking of milestones for a project, Puckett is silent on exactly *how* these milestones are used. Specifically, Puckett fails to teach or suggest, “the at least one milestone originating from a milestone-type table ... [and] ...determining an actual milestone date from the milestone-type table [and] calculating a material required date of milestone-related material based on the actual milestone date and at least one of the projected milestone start date and the projected milestone end date...,” as recited in claim 1. Furthermore, Puckett fails to address any change in material associated with each of the milestones. Thus, while Puckett may track the *achievement* of a milestone in a project, Puckett fails to

acknowledge either a change in the materials supplied upon the achievement of the milestone, or the use of the milestone in the calculations of a material required date or an order date.

In addition, the Examiner correctly acknowledged that Puckett is silent on teaching a project-type table having project-type information for each project referenced by the table, as recited in claim 1. (See 10/20/08 Non-Final Office Action, p. 7, ¶ 6). Applicant respectfully submits that Puckett is also silent on teaching a milestone-type table having at least one milestone and determining an actual milestone date from the milestone-type table and applying the actual milestone date to calculate a required date of milestone-related material, as recited in currently amended claim 1. In addressing the milestone table limitation in the previous office action, the Examiner asserts that tracking of milestones in Puckett anticipates the application of milestone information and a field need date in the present invention. (See *Id.*, p. 11, ¶ 6). However, the mere mention of milestones and a need date in Puckett fails to teach or suggest the limitations of currently amended claim 1. As noted above, Puckett fails to demonstrate exactly how this information is obtained and exactly how this information is applied. Specifically, Puckett further fails to teach or suggest, “determining an actual milestone date from a milestone-type table,” “calculating a required date of milestone-related material based on the actual milestone date,” and “calculating an order date based on material required date and lead-time,” as recited in claim 1. Thus, while Puckett may disclose tracking milestone dates and a field need date, Puckett does not take into consideration the use of a material-type table, or a change in the material associated with at least one milestone, or how projected milestone start or end dates and actual milestone dates are used in calculating material required dates, or how material require dates and lead-time are used in calculating an order date.

It should be noted that Berka was introduced by the Examiner to cure one of the deficiencies of Puckett, namely the teaching of a project-type table having project-type information. While Applicant does not concede that Berka cures this deficiency, it should be noted that Berka is insufficient to cure the above-stated deficiencies of Puckett with respect to a teaching a material-type table, how projected milestone start or end dates and actual milestone dates are used in calculating material required dates, and how material required dates and lead-time are used in calculating an order date.

Accordingly, Applicants respectfully submit that for at least the reasons stated above, claim 1 of the present application is not unpatentable over Puckett in view of Berka, either alone or in combination, and request that the rejection of this claim be withdrawn. As claims 2-4, 7-10, 12-15 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

Claim 16 recites, *inter alia*, "...receiving a selection of at least one milestone to be employed with one of the projects, the at least one milestone originating from a *milestone-type table*, wherein the milestone is *associated with a change* of at least one milestone-related material and the milestone includes an amount of milestone-related material required for the project and at least one of a projected milestone start date and a projected milestone end date; *determining an actual milestone date from the milestone-type table; calculating a material required date of milestone-related material based on the actual milestone date and at least one of the projected milestone start date and the projected milestone end date; determining a supplier for the material from a material table; obtaining a lead-time for supplying the material based on*

*a suppliers table; calculating an order date based on the material required date and the lead-time; populating a requirements table on a dynamic basis with the calculated order date from multiple tables, each of the multiple tables having information therein...*" (Emphasis added). Therefore, Applicants respectfully submit that claim 16 is allowable for at least the reasons discussed above with regard to claim 1. As claim 19 depends from, and therefore includes all the limitations of claim 16, it is hereby submitted that claim 19 is also allowable.

Claim 20 recites, *inter alia*, "...receiving a selection of at least one milestone to be employed with one of the projects, the at least one milestone originating from a *milestone-type table*, wherein the milestone is associated with change of at least one milestone-related material and the milestone includes an amount of milestone-related material required for the project and at least one of a projected milestone start date and a projected milestone end date; *determining an actual milestone date from the milestone-type table; calculating a material required date of milestone-related material based on the actual milestone date and at least one of the projected milestone start date and the projected milestone end date*; determining a supplier for the material from a material table; obtaining a lead-time for supplying the material based on a suppliers table; *calculating an order date based on the material required date and the lead-time; populating a requirements table according to the calculated order date...*" (Emphasis added). Therefore, Applicants respectfully submit that claim 20 is allowable for at least the reasons discussed above with regard to claim 1.

Claim 21 recites, *inter alia*, "...receiving a selection of at least one milestone to be employed with one of the projects, the at least one milestone originating from a *milestone-type*

*table, wherein the milestone is associated with a change of at least one milestone-related material and the milestone includes an amount of milestone-related material required for the project and at least one of a projected milestone start date and a projected milestone end date; determining an actual milestone date from the milestone-type table; calculating a material required date of milestone-related material based on the actual milestone date and at least one of the projected milestone start date and the projected milestone end date; determining a supplier for the material from a material table; obtaining a lead-time for supplying the material based on a suppliers table; calculating an order date based on the material required date and the lead-time; populating a requirements table according to the calculated order date...*" (Emphasis added). Therefore, Applicants respectfully submit that claim 20 is allowable for at least the reasons discussed above with regard to claim 1.

**CONCLUSION**

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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